

Misbranding was alleged for the reason that the statement "Contents 7 Oz.," on the label, was false and misleading and deceived and misled the purchaser thereof, since the net contents of the clams in each of the said cans was less than 7 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 31, 1927, G. P. Halferty & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having paid the costs of the proceedings and executed a bond in the sum of \$500, conditioned in part that the product not be sold or otherwise disposed of contrary to law, judgment of condemnation was entered, and it was ordered by the court that the said product be released to the claimant to be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

143. Adulteration and misbranding of oysters. U. S. v. 87 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21790. I. S. No. 13002-x. S. No. W-2131.)

On March 31, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 87 cases of oysters, remaining in the original unbroken packages at Denver, Colo., consigned by the C. B. Foster Packing Co., Biloxi, Miss., alleging that the article had been shipped from Biloxi, Miss., on or about February 16, 1927, and transported from the State of Mississippi into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Solitaire Oysters Fancy Quality * * * Net Weight Of Oyster Meat 5 Ozs."

Adulteration of the article was alleged in the libel for the reason that excessive water or brine had been mixed and packed with and substituted in part for oysters.

Misbranding was alleged for the reason that the statement "Net Weight Of Oyster Meat 5 Ozs.," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 22, 1927, Lovell & Lee, Inc., Denver, Colo., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it not be sold or otherwise disposed of contrary to law, and it was further ordered that the product be examined and relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

144. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21651. I. S. No. 15420-x. S. No. C-5328.)

On February 17, 1927, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 sacks of cottonseed meal, remaining in the original unbroken packages at Bogalusa, La., alleging that the article had been shipped from the Betta Seed Mills, Inc., Jackson, Miss., on or about February 7, 1927, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Choice Cottonseed Meal Manufactured By The Buckeye Cotton Oil Company, Jackson, Mississippi. Guaranteed Analysis * * * Crude Protein, not less than 41.12 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement, regarding the said article, "Crude Protein, not less than 41.12 per cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On April 25, 1927, the Buckeye Cotton Oil Co., Jackson, Miss., having appeared as claimant for the property and having admitted the allegations of

the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$680, conditioned in part that it be relabeled to conform with Government analysis.

W. M. JARDINE, *Secretary of Agriculture.*

15145. Adulteration of oranges. U. S. v. 372 Boxes of Oranges. Product ordered released under bond to be salvaged. (F. & D. No. 21834. I. S. No. 15297-x. S. No. C-5440.)

On or about March 28, 1927, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 372 boxes of oranges, at New Orleans, La., alleging that the article had been shipped by W. E. Lee, from Thonotosassa, Fla., on or about March 15, 1927, and transported from the State of Florida into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Good Nature Brand Oranges."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged oranges.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a decomposed vegetable substance.

On April 1, 1927, the Florida Citrus Exchange, Tampa, Fla., having appeared as claimant for the property, a decree was entered, ordering that the said claimant be permitted to withdraw the oranges for the purpose of having the good portion separated from the bad, upon the execution of a bond in the sum of \$1,500, conditioned in part that the product not be put on the market until inspected and approved by this department, and it was further ordered by the court that all rejected fruit be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15146. Adulteration of frozen loganberries. U. S. v. 125 Barrels of Frozen Loganberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21887. I. S. No. 16522-x. S. No. E-6097.)

On April 30, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 125 barrels of frozen loganberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Graves Canning Co., from Portland, Oreg., July 20, 1926, and transported from the State of Oregon into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Graves Canning Co Woodburn Ore Loganberries."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 19, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15147. Misbranding of butter. U. S. v. 5 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond (F. & D. No. 21924. I. S. No. 12827-x. S. No. W-2142.)

On April 20, 1927, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases of butter, at Yuma, Ariz., alleging that the article had been shipped by the Golden State Milk Products Co., El Centro, Calif., on or about April 18, 1927, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (case) "Thirty-One Pound Cartons, Golden State Brand Butter," (carton) "Net Weight 1 Pound."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight 1 Pound," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct, the true net weight of the contents of each of said cartons being less than 1 pound.